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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,124	12/21/1999	MITCH A. BRISEBOIS	71493-591	9802

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EXAMINER	
HOM, SHICK C	
ART UNIT	**PAPER NUMBER**
2666	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/466,124	BRISEBOIS ET AL.	
	Examiner	Art Unit	
	Shick C Hom	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 September 1704*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,8,11,12,21,22,25-31,36,39,40 and 43* is/are rejected.

7)☒ Claim(s) *2-7,9,10,13-20,23,24,32-35,37,38,41 and 42* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-43 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 8, 11, 12, 21, 22, 25-30, 36, 39, 40, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallentin et al. (6,594,238) in view of Fraccaroli (6,549,768).

Regarding claims 1, 8, 11, 12, 21, 22, 25, 26, 28, 36, 40:

Wallentin et al. disclose the apparatus for controlling data unit communications between a plurality of mobile stations (see col. 8 lines 25-47 which recite the radio network

controller for mobile communication to the mobile stations), each of the mobile stations having a respective maintained communication link with the apparatus (see col. 6 line 64 to col. 7 line 5 which recite assigning a dedicated channel to the packet data connection and the connection being maintained clearly anticipate a maintained communication link as claimed), the apparatus comprising: means for grouping at least two of the plurality of mobile stations as members of a private network group (see col. 10 lines 11-18 and col. 10 line 63 to col. line 57 which recite the grouping of connections into desired classes, i.e. First Class, Business Class, and Economy Class, clearly anticipate the means for grouping) as in claims 1, 11, 12, 22, 28, 36, 40; including the at least one fixed wired telephone station (see Fig. 2 and col. 4 lines 10-35, which recite the interface to the wired PSTN connection 12) as in claim 12.

Regarding claims 8, 21, 29, 39, 43:

Wallentin et al. disclose the apparatus further comprising means for determining if the data unit is of a type requiring limited access, and means for enabling communication of the data unit from the first mobile station to the second mobile station if the data unit is not of the type requiring limited access, even if the first and second mobile stations are not both

members of the private network group (see Fig. 5 which shows step of determining the type of access required, whether it be via dedicated or shared channel, i.e. limited).

Regarding claim 25:

Wallentin et al. disclose wherein the means for enabling communication of the data unit from the first telephone station to the second apparatus comprises means for attaching a header to the data unit, the header comprising a data address corresponding to the second apparatus as a destination address; and means for outputting the resulting data unit to the data network for routing (see col. 4 lines 10-35 which recite the use of a packet-switched network for routing data clearly anticipate a header associated with the data including the destination address being used for routing).

Regarding claim 30:

Wallentin et al. disclose the wireless network further comprising a mobile switching center coupled between the apparatus and the radio network controller, the mobile switching center comprising means *for* controlling the switching operations of the wireless network within a predefined cell cluster (see the use of the mobile switching center recited in col. 4 lines 11-35 and col. 1 lines 39-52).

For claims 1, 11, 12, 22, 26-28, 36, 40, Wallentin et al. disclose all the subject matter of the claimed invention with the exception of means for determining if a first mobile station sending a data unit and a second mobile station scheduled to receive the data unit are both members of the private network group; and means for enabling communication of the data unit from the first mobile station to the second mobile station through the respective maintained communication links of the first mobile station and the second mobile station only if they are both members of the private network group and means for disabling communication if they are not both members of the private network group; wherein at least one of the plurality of apparatus is an intelligent peripheral coupled within a third generation wireless network; wherein at least one of the plurality of apparatus is a server coupled to a Local Area Network (LAN).

Fraccaroli from the same or similar fields of endeavor teach that it is known to provide means for determining if a first mobile station sending a data unit and a second mobile station scheduled to receive the data unit are both members of the private network group (see col. 6 lines 34-59 which recite determining the position and hence the physical location of the user in order to determine whether the two mobile station are

both members of the private network group clearly anticipate the means for determining as now claimed); and means for enabling communication of the data unit from the first mobile station to the second mobile station through the respective maintained communication links of the first mobile station and the second mobile station only if they are both members of the private network group and means for disabling communication if they are not both members of the private network group (see col. 9 line 50 to col. 10 line 15 which recite constantly and automatically scanning for matching opportunities each time a user enter a new location area whereby the user has the option to enable or disable matching so that in no case at the occurrence of a match, will the actual telephone number be exchanged automatically between two people without each of their permission clearly reads on means for enabling communication only if they are both members of the network group and disabling communication if they do not also have each others permission) and wherein at least one of the plurality of apparatus is an intelligent peripheral coupled within a third generation wireless network (see col. 6 lines 45-59 which recite use of the third generation wireless handsets); wherein at least one of the plurality of apparatus is a server coupled to a Local Area Network (LAN) (see col. 3 lines 1-30 which recite the Local Area

network and col. 4 line 64 to col. 5 line 11 which recite the use of the server).

Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide means for determining if a first mobile station sending a data unit and a second mobile station scheduled to receive the data unit are both members of the private network group; and means for enabling communication of the data unit from the first mobile station to the second mobile station through the respective maintained communication links of the first mobile station and the second mobile station only if they are both members of the private network group; wherein at least one of the plurality of apparatus is an intelligent peripheral coupled within a third generation wireless network; and wherein at least one of the plurality of apparatus is a server coupled to a Local Area Network (LAN) as taught by Fraccaroli in the apparatus for controlling data unit communications of Wallentin et al. The means for determining if a first mobile station sending a data unit and a second mobile station scheduled to receive the data unit are both members of the private network group; and means for enabling communication of the data unit from the first mobile station to the second mobile station through the respective maintained communication links of the first mobile

station and the second mobile station only if they are both members of the private network group; wherein at least one of the plurality of apparatus is an intelligent peripheral coupled within a third generation wireless network; and wherein at least one of the plurality of apparatus is a server coupled to a Local Area Network (LAN)can be implemented by providing the mobile communications matching system including the use of the third generation wireless network having a server coupled to a Local Area Network (LAN) of Fraccaroli into the connection controller Wallentin et al. The motivation for using the means for determining if a first mobile station sending a data unit and a second mobile station scheduled to receive the data unit are both members of the private network group; and means for enabling communication of the data unit from the first mobile station to the second mobile station through the respective maintained communication links of the first mobile station and the second mobile station only if they are both members of the private network group; wherein at least one of the plurality of apparatus is an intelligent peripheral coupled within a third generation wireless network; and wherein at least one of the plurality of apparatus is a server coupled to a Local Area Network (LAN) as taught by Fraccaroli in the apparatus for controlling data unit communications of Wallentin et al. being

that it provides the added feature of putting mobile subscribes of a private group in contact for location-sensitive services in a third generation wireless network.

4. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallentin et al. (6,594,238) and Fraccaroli (6,549,768) in view of Hamalainen et al. (6,249,584).

Regarding claim 31:

For claim 31, Wallentin et al. and Fraccaroli disclose the wireless network described in paragraph 3 of this office action. Wallentin et al. and Fraccaroli disclose all the subject matter of the claimed invention with the exception of wherein at least one of the mobile stations comprises a personal computer with a wireless modem.

Hamalainen et al. from the same or similar fields of endeavor teach that it is known to provide at least one of the mobile stations comprising a personal computer with a wireless modem (see col. 6 lines 24-60). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide at least one of the mobile stations comprising a personal computer with a wireless modem as taught by Hamalainen et al. in the wireless network of

Wallentin et al. and Fraccaroli. The at least one of the mobile stations comprising a personal computer with a wireless modem can be implemented by connecting the personal computer with a wireless modem of Hamalainen et al. in the mobile station of Wallentin et al. and Fraccaroli. The motivation for providing at least one of the mobile stations comprising a personal computer with a wireless modem as taught by Hamalainen et al. in the wireless network of Wallentin et al. and Fraccaroli. being that it provides the added feature of connecting a personal computer into the wireless network of Wallentin et al. and Fraccaroli.

Allowable Subject Matter

5. Claims 2-7, 9-10, 13-20, 23-24, 32-35, 37-38, and 41-42 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
Psarras et al. disclose a method and apparatus for providing virtual private network services over public switched telephone network.

Jung et al. disclose a method for constructing WVPN (wireless virtual private network) for DCMA.

Sayers et al. disclose a method and apparatus for integrated wireless communications in private and public network environments.

Sood et al. disclose wireless communications system and method of virtual line/direct station selection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C Hom whose telephone number is 571-272-3174. The examiner can normally be reached on Monday to Friday with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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